

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06CV316
(1:04CR43-10)

BILLY EUGENE PROFFITT, JR.,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Petitioner's application for a certificate of appealability.

In the Court's Order of Dismissal filed November 15, 2006, the Petitioner was granted a certificate of appealability to the Fourth Circuit Court of Appeals. **See, Order of Dismissal, filed November 15, 2006, at 2.** Therefore, the current application is moot.

IT IS, THEREFORE, ORDERED that the Petitioner's application for a certificate of appealability is hereby **DENIED** as moot.

Signed: February 14, 2007

A handwritten signature in black ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

